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| 09/494,743      | 01/31/2000  | James W. Peel JR.    | FE-00427            | 3854             |

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EXAMINER

HUYNH, CONG LAC T

ART UNIT PAPER NUMBER

2178

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n N .

09/494,743

Applicant(s)

PEEL ET AL.

Examin r

Cong-Lac Huynh

Art Unit

2178

-- The MAILING DATE of this communication appears on th cover sheet with th correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 July 2004 and 27 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-22 is/are allowed.
- 6) ☒ Claim(s) 1-9, 14, 15, 23 and 24 is/are rejected.
- 7) ☒ Claim(s) 10-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is responsive to communications: amendment filed 7/26/04 and 7/27/04 to application filed on 1/31/00, priority 6/14/99.
2. Claims 1-24 are pending in the case. Claims 1, 14, 16-17, 20, 23-24 are independent claims.
3. The rejections of claims 16-19 under 35 USC 112, second paragraph, have been withdrawn in view of the amendment.
4. The objections of claims 10-13 under 35 USC 112, second paragraph, have been withdrawn in view of the amendment.
5. The objections of claims 16-22 under 35 USC 112, second paragraph, have been withdrawn in view of the amendment.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1-5, 8-9, 14-15, 23-24 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu et al. (US Pat No. 6,374,271 B1, 4/16/02, filed 9/26/97) in view of Mueller (US Pat No. 6,694,484 B1, 2/17/04, filed 6/3/97).

Regarding independent claim 1, Shimizu discloses:

- connecting to a database structure having data having a hierarchy and defining an electronic media description (figures 1, 2, 4, 8, col 1, lines 51-65, col 3, lines 30-45: link to a card database of media such as video, audio, text ...where media in the database has a hierarchy structure in folders as in figures 8, 12 and has media such as video, audio, image...)
- generating a top level menu of structures from said electronic media description (figure 12)
- selecting, from said menu, a structure to parse and parsing said selected structure (figures 12-14: the folder card of the media can be selected when highlighted suggests the structure of the media included in the card )
- generating a *hypermedia document* that preserve said hierarchy of said original electronic media description in a structure database (col 1, line 43 to col 2, line 19: a hypermedia authoring system to generate a document using a goal outline and the

presentation outline where the *information content of the document contained in cards in the card database in a logical structure* where the card database is a multimedia database and the media in a Bento-box is *hyperlinked* to another Bento-box)

Shimizu does not explicitly disclose that the web pages generated are tagged data relative web pages.

Mueller discloses associating HTML tags to multimedia data, for example an image, video segment, animation, or audio file stored in a local database, in generating a web page (col 1, lines 32-51, col 2, lines 40-67, figure 2).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Mueller into Shimizu for the following reason. Mueller discloses generating media information associated with a HTML document by embedding HTML tags to the media data such as image, video, audio stored in a local database providing the advantage to apply associating HTML tags to media data selected from the card database as in Shimizu for generating hypermedia documents since the card database in Shimizu is a form of a local database in Mueller. The combination of Mueller into Shimizu with the media data for generating a document stored in a database would eliminate the need of having to transmit the stored data with the HTML document and thus reducing the transmission overhead.

Regarding claim 2, which is dependent on claim 1, Shimizu discloses that the hierarchy is preserved by generating links between and among said tagged data relative web pages which correspond to said original hierarchy of said original electronic media

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description (col 2, lines 1-19: generating links between the Bento-boxes of media data of a hypermedia document, which is a hypertext document or a web page).

Regarding claim 3, which is dependent on claim 1, Shimizu discloses selecting interoperability options (col 2, lines 28-39: select the bento-boxes presentation outline via highlighting corresponding nodes in the goal outline).

Regarding claim 4, which is dependent on claim 1, Shimizu discloses converting graphics files to a format selected in the step of selecting interoperability options, wherein a user may choose to convert only graphics files actually referenced in said selected menu structure (figures 12 and 13, col 7, lines 26-45: user can select either caption, video, image in the hierarchy, and the image file in *the related card* is highlighted).

Regarding claim 5, which is dependent on claim 1, Shimizu discloses displaying the status of generating tagged data relative web pages in real time (col 8, lines 56-65: an indicator is shown to show the almost completeness of the hypermedia document).

Regarding claim 8, which is dependent on claim 1, Shimizu does not explicitly disclose displaying said tagged data relative web pages using a web browser.

Mueller discloses displaying said tagged data relative web pages using a web browser (col 1, lines 44-46).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Mueller into Shimizu for displaying a tagged data relative web pages using a web browser.

Regarding claim 9, which is dependent on claim 1, Shimizu does not explicitly disclose that said tagged data relative web pages are coded in one of the languages selected from the group consisting of Standard Generalized Markup Language (SGML), extensible Markup Language (XML) and Hypertext Markup Language (HTML). Mueller discloses the generated web pages are coded in Hypertext Markup Language (HTML) (figure 2, col 2, line 40 to col 3, line 24).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Mueller into Shimizu to show evidence that the tagged relative web pages are coded in a markup up language such as HTML, one of the markup languages selected in the group of SGML, XML, and HTML.

Claims 14-15 are for an apparatus of claim 1, and are rejected under the same rationale.

Claims 23-24 are for a computer data signal embodied in a carrier wave and a digital data stream of method claim 1, and are rejected under the same rationale.

9. Claims 6-7 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu in view of Mueller as applied to claim 1 above, and further in view of Davis et al. (US Pat No. 5,937,160, 8/10/99, filed 5/10/97).

Regarding claim 6, which is dependent on claim 1, Shimizu and Mueller do not disclose exporting said relative web pages to be used in a standalone environment.

Davis discloses exporting said relative web pages to be used in a standalone environment (figure 4, #100: generating and *transmitting web page revision* to a web server via email).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Davis into Shimizu and Mueller since transmitting a web page revision, which is actually a web page updated *to a server*, suggests exporting the web page to a standalone environment since the server is considered equivalent to a standalone environment compared with the client and transmitting a web page is a form of sending out a web page to another terminal.

Regarding claim 7, which is dependent on claim 1, Shimizu and Mueller do not disclose that the step of exporting is performed by sending email web page updates to a user, said user overwriting existing web pages with said web page updates.

Davis discloses sending web page updates via email to a user, said user overwriting existing web pages with said web page updates (figures 4-5, #100, #200, #300, #104, #106, figure 9B, #300).



It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Davis into Shimizu and Mueller to provide a way to notify users the update version of the web pages whenever any change is made to the web pages.

***Allowable Subject Matter***

10. Claims 10-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 16-22 are allowed.

***Response to Arguments***

12. Applicant's arguments filed 7/26/04 and 7/27/04 have been fully considered but they are not persuasive.

Applicants argue that the Examiner glosses over the fact that, in accordance with the invention, tagged data relative web pages preserve the hierarchy and internal cross-references of the document when it is put in the form of web pages for facilitating access and navigation in accordance with the invention regarding Shimizu reference (Remarks, pages 12-13).

Examiner respectfully disagrees.

Shimizu discloses generating a hypermedia document that *preserves the hierarchy of the original electronic media in a structure database* (col 1, line 43 to col 2, line 19).

Mueller discloses including reference tags to multimedia data, for example an image, video segment, animation, or audio file stored in a local database, in the HTML document (col 1, lines 32-51).

Since a web page is also known as a hypermedia document which can include multimedia elements such as text, graphics, video, audio hyperlinked together, *the reference tags to multimedia data* in a web page of Mueller can be incorporated into the hypermedia document in Shimizu for preserving the hierarchy of the document when the hypermedia document is put in the form of web pages.

Applicants further argue that since Mueller is directed to a system which searches a HTML document for "association tags" which include "an index reference to the location of the stored information, Mueller does not produce web pages, "much less tagged or data relative web pages 'that preserve said hierarchy of said original electronic media description in said database structure'" (Remarks, page 13).

Examiner respectfully disagrees.

Though Mueller does not explicitly disclose producing web pages, Mueller does teach embedding the tags referred to the location of the stored information in the web pages where the information is the multimedia data included in the web page such as text, image, video, audio (col 1, lines 32-51, figure 2).

Since the multimedia data for generating a hypermedia document in Shimizu is stored in a *hierarchy structure database* (figure 12) and elements in the documents are *hyperlinked via the hyperlinks* between Bentox-boxes (col 1, line 65 to col 2, line 20),

applying the technique of embedding the tags referred to the location of the stored information in the web pages of Mueller, where the web pages was also known as hypermedia documents, would provide preserving the hierarchy of the database structure since the *tags include the locations of the multimedia data in database structure.*

### **Conclusion**

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chao (US Pat No. 6,304,872 B1, 10/16/01, filed 8/13/98).

Chakrabarti et al. (US Pat No. 6,356,899 B1, 3/12/02, filed 3/3/99).

Chakrabarti et al. (US Pat App Pub No. 2001/0016846 A1, 8/23/01, filed 3/16/01, priority 8/29/98).

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 571-272-4125. The examiner can normally be reached on Mon-Fri (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Clh  
12/30/04

  
**STEPHEN HONG**  
**SUPERVISORY PATENT EXAMINER**